

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: April 22, 2014
SUBJECT: BZA Case 18743, 621 P Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 2003, Changing Uses within Structures (restaurants not permitted, restaurant use proposed)

Subject to the following conditions:

1. Refuse shall be stored within the building and placed outside for removal on collection days only.
2. No heavy cooking, such as deep frying or the smoking of foods, shall be permitted.

II. LOCATION AND SITE DESCRIPTION

Address	621 P Street, N.W.
Legal Description	Square 445, Lot 158
Ward	6
Lot Characteristics	Rectangular corner lot with no alley access
Zoning	R-4 – flats, row houses and conversions
Existing Development	Mixed use commercial and residential building
Adjacent Properties	North and East: row houses and flats South: public park West: surface lot
Surrounding Neighborhood Character	Residential, with commercial uses along 7 th Street

III. APPLICATION IN BRIEF

Proposal	Convert office to restaurant
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	3-story max.	2-stories	2-stories	None required
Lot Width § 401	40 ft. min.	21 feet	21 feet	None required ¹
Lot Area § 401	4,000 SF min.	903 SF	903 SF	None required ¹
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	100%	100%	None required ¹
Rear Yard § 404	20 ft. min.	None	None	None required ¹

¹Existing Nonconformity

The applicant proposes to establish a restaurant on the first floor and basement levels of the existing building, within a space originally designed for commercial use when the building was constructed in 1905, prior to the adoption of the Zoning Regulations. Residential use of the second floor would continue. Access to the restaurant would be through the existing entrance at the corner of Marion and P streets, with the residential access to the east from P Street. The last use of the commercial space was for office, although no certificate of occupancy (C of O) was ever issued. The last issued C of O issued was for a grocery in 1992.

Renovations to the interior would provide seating and a restroom on the first floor and a kitchen and trash room in the basement. The stove would include a range hood vented to the roof. Breakfast, lunch and dinner would be served, using reusable tableware. The breakfast menu would include coffee and pastries made off-site. Lunch items would be soups, salads and sandwiches, with some oven roasted foods. Dinner would include roasted or stove-top fried items. No foods would be deep fried or smoked.

V. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to § 2003, Changing Uses within Structures

2003.1 If approved by the Board of Zoning Adjustment, as authorized in §§ 3103 and 3104 for variances and special exceptions, a nonconforming use may be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in this section.

Restaurants are first permitted within the zoning regulations within the C-1 district, the same as for a grocery or office use.

2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.

The surrounding area includes a mixture of residential and commercial uses. The proposed use would allow for the continuation of a commercial use within a commercial structure designed to cater to the local community.

- 2003.3 *The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.*

The proposed use is anticipated to cater to the surrounding neighborhood, minimizing the amount of vehicular traffic generated as most patrons would be expected to walk to the site. There would be no outdoor seating, all refuse would be stored inside and placed outside on collection day only and there would be no deep frying or smoking of foods. A range hood would vent odors out through the roof. DDOT informed the Office of Planning that due to the small size of the business that no parking or loading facilities would be required.

- 2003.4 *When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.*

The application does not propose a use change to either a conforming or more restrictive use.

- 2003.5 *In Residence Districts, the proposed use shall be a dwelling, flat, apartment house, or a neighborhood facility.*

The proposed use would be a neighborhood facility operating as a restaurant with most patrons expected to live within the surrounding community.

- 2003.6 *For the purpose of this section, the districts established by this title are listed in the following order of decreased use restriction:*

- (a) *W-0, R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, and R-5-E;*
- (b) *SP-1 and SP-2;*
- (c) *C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD);*
- (d) *W-1, W-2, and W-3;*
- (e) *CR; and*
- (f) *C-M-1, C-M-2, C-M-3, and M.*

Restaurants, groceries and offices are first permitted within the C-1 district.

2003.7 The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

The Office of Planning recommends that trash not be permitted to be stored outside the building, but rather interior to the structure, and only placed outside on collection days. OP also recommends that no deep frying or smoking of foods be permitted.

b. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed use is first permitted in the same zone district as the most recent uses, C-1. It would be a small restaurant that would primarily cater to the surrounding residential community and would permit the continued use of this nonresidential space for commercial use.

c. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed use would not tend to affect adversely the use of neighboring property. It would allow for the continuation of a space originally designed for commercial use for commercial purposes. All refuse would be store internally and placed outside on collection days only. The kitchen would be vented to the roof and not involve any heavy cooking, such as deep frying or smoking.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT informed the Office of Planning that neither dedicated parking nor loading would be necessary, and that refuse should not be stored outside within public space.

No other agency comments were received.

VII. COMMUNITY COMMENTS

ANC 6E, at its regularly scheduled meeting of April 1, 2014, voted to support the application.

Twenty-four letters were submitted to the record in support of the application.

Attachment: Location Map

